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AUTHOR Reinholz, Lansing K.
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ABSTRACT

The author of this paper maintains that corporal punishment is a desirable alternative to permanent suspension (expulsion) in cases involving unmanageable students. There are restrictions that must be placed on the use of corporal punishment so that it is a beneficial and not a destructive force. No physical harm should be done to students. The grievant should not do the punishing. Corporal punishment should be a last resort, and students should be given the choice between it and permanent suspension. Careful records must be kept, and there should always be a witness present. Corporal punishment should be administered only once unless the undesirable behavior decreases for a period following its initial use. Teachers and administrators alike would prefer to be concerned with teaching, not with discipline. Corporal punishment can offer one way of deterring disruption of the educational process. (Author/DS)

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A Practical Defense of Corporal Punishment*

Lansing K. Reinholz

Thank you, Dr. Welsh. In the letter that Ralph sent to me saying the format was going to be as it is today, he mentioned that we should be taking a frame of reference and a position from our own professional bias; so you'll understand that I'm speaking as a school administrator and as a parent. I'm not a psychiatrist or a psychologist. I'm not a counselor or a lawyer. I am not anything except a practitioner. I have to deal in Burlington with 6,000 children, 400 professional employees, approximately 12,000 parents, a school board of thirteen elected officials, a City Hall that's a Democratic administration and, by its very nature, liberal. Therefore, my point of view and point of reference is that there is a practical defense of corporal punishment.

An attorney by the name of Kelly Frells from Houston wrote, "The authority of a teacher to use corporal punishment as a disciplinary technique is an element of the common law doctrine of, 'in loco parentis'. Under the doctrine, a teacher stands in the place of a parent and has the right to use reasonable physical punishment to secure acceptable behavior. Standing alone as an abstract concept and unsupported by the requirements of securing and maintaining an educational environment, 'in loco parentis' loses some of its Blackstonian vitality. The doctrine's loss of relevancy is particularly evident when the parents in whose place the teacher stands do not want their child physically punished. While the concept, 'in loco parentis', has almost universally been rejected at the University and college level, the teachers and administrators of public schools stand in some degree 'in loco parentis' to the students. The degree to which teachers and administrators stand 'in loco parentis' appears directly related to the maturity of the individual student and his ability to function independently, conditioned somewhat by his parents' expectations. These factors, together with the existence of com-

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pulsory education, the nature of public school class scheduling, the financing of schools through local property taxes, and other environmental factors peculiar to the public school setting are contributing factors to the existence of 'in loco parentis'."

The necessity for the use of corporal punishment, on the other hand, as a means of managing behavior in schools arises from two particular sources: First, that education is compulsory. Children between the ages of six and sixteen, for the most part in this country, must attend public schools unless otherwise excused under local statute or state statute. Secondly, there is often no positive role institutions to which a child can turn to when he is suspended from school. The word, suspension, in this instance, I think, is a good word to use to describe the state of many of these youngsters. Where, if you suspend a student from school, is that child going to go if he is under sixteen years of age? To what institution can the parents turn for assistance in obtaining public education for that child? With all of us recognizing that public education is desirable...it is desirable for children to learn the basic skills which they'll need to support themselves and be contributing members of society, that basic knowledge must come from the public schools in this country. There isn't any other source. Therefore, if we suspend a child from school as the alternative, possibly, to corporal punishment, there is no place to send him except to the street.

In Burlington, suspensions total about 100 a year out of the secondary level. If they are under the age of sixteen, I can tell you where those people end up. It's not back in the public school system for the most part. It's at Weeks School. Weeks School is a reform school for wayward youngsters, wayward in some manner or other. If we haven't used the alternative of corporal punishment prior to suspending the student and sending him down the road not to return to the public institution, I think we're being derelict in our responsibilities as public school teachers and public school administrators. Not having a place to send students when we

suspend them from school results in a great cost, not only to society, but to the individuals involved.

The difference between what people refer to as abuse, the abuse of children, and corporal punishment, is not the only distinguishing factor with regard to touching children or disciplining children in school. Another term that is thrown about loosely is "physical restraint".

There are qualifications that need to be in place and used when corporal punishment is used, so that it is beneficial and is not a destructive tool. Punishment should not physically harm a child. I'm not talking about abusing a child. I'm not talking about leaving marks on a child; and, in fact, if that occurs, if force beyond that which is reasonable results in physical harm to a child, then by all means, and I don't think you'll find an educator in the country that will say that the person who inflicted that harm should not be tried for criminal assault. I think every educator that believes in corporal punishment as an alternative means of disciplining, believes that there ought to be a reasonableness about it, and we're not talking about abuse. Those people who are advocating the abolition of corporal punishment consistently put the term "abuse" right out in front where the public sees it as being the extreme rather than the normal fashion of using corporal punishment.

Corporal punishment should not be applied with malice. Again, we're talking about a reasonableness in using a means of discipline on a student in the public school. The grievant, in my opinion, should not do the punishing. The grievant, usually, in the school, is the teacher. As a parent, I don't believe that parents should inflict corporal punishment, spank their child or shake their child, at the time that they are "grieved" (by the child for the act that the child committed) because the parent is angry. And, when the parent is angry, he/she is not going to be reasonable, and he/she is not going to, under normal circumstances, inflict

the kind of punishment he/she would inflict, if he/she took five minutes and calmed down and assessed the situation to determine whether, in fact, what the child had done was worthy of such a stringent method of discipline such as using corporal punishment.

The same thing should be true of a teacher. If a teacher is the grieved party, then that teacher should not be the person to inflict corporal punishment. It's not even necessary to say, but I will because the people advocating the abolition of corporal punishment fail to recognize it, that rarely is corporal punishment ever used as the first means of punishment in the school, as the first means of disciplining in the school. I've been in public education for thirteen years, and I've never seen, never, singular, not one time, a teacher or an administrator or a non-professional employee of the school district hit a kid the first time that kid does something he/she is not supposed to do in school. I'm not saying there aren't instances of that. I do know of football coaches that have used forearm blows to a player who doesn't do what he's supposed to do and I think that is abuse. That's not corporal punishment. However, corporal punishment is not the first means of punishment in a school.

Corporal punishment should, in most cases, be the last resort after all means appropriate have been evaluated and used, if appropriate. It should be used when all other alternative forms of punishment have been tried and have failed. A child should know beforehand why he/she is being punished and what he/she is being punished for. If a professional other than the grievant deems that it is a meaningful decision, the student receiving the punishment might be given the choice of corporal punishment or suspension. If, in fact, we rely so heavily on the dependence...independence, rather, of students today; if we think they are, in fact, capable of making all of those decisions that some of the people in this country would like to have students making for themselves today, then maybe we should give them the decision: Do you wish to receive corporal punishment, or do you wish to

be thrown out of school? Those are the last two alternatives we've got. Which one do you want? I can tell you that I've used that. In the thirteen years that I have been a school administrator and school teacher, I can recall and document at least 200 instances of corporal punishment. That's not all whacking. That's not all using paddles. But, if you shake a student, if you grab a student, if you wash a student's mouth out with soap, that's corporal punishment. If a teacher grabs a pupil by the ear to make him/her do something, that's corporal punishment. We're not talking about those things limited to spanking. In all of those instances where I've paddled children, as high school principal, I've never once failed to offer the child the alternative of being suspended from school, permanently. We're not talking about a three-day suspension or a ten-day suspension. And never once has that independent-thinking child chosen to be suspended from school because he/she wants an education. He/she wants to be some place where people care what in the hell happens to him/her. And, in most of those instances, they choose the corporal punishment because they know that we do care; and in many of those instances they come from homes where the parents don't care.

A child should not be restrained in order to receive corporal punishment. You then get into a situation, if you use restraint, where a child can get injured.

The use of corporal punishment should not involve, needless to say, racial, sexual, social or economic discrimination. The argument that "that's the only language that they understand" or that "the child was always beaten at home" is circular. If beating worked, then the student wouldn't be in trouble. A pampered child from an affluent home would be more likely a person to benefit from a "slap on the ass".

Corporal punishment should be used no more than once with a child in a particular school. If the occasion arises where the corporal punishment alternative is considered and it's already been tried, chances are it's not going to be successful and, in my experience, we've never found it necessary to use it more than

once on the same child.

With the above qualifications, I feel that corporal punishment is a necessary tool for educators. We should stop getting hysterical about the stimulus and concentrate on the needs of the individual and the organizations serving that and thousands of other individuals. The alternatives to corporal punishment are usually less attractive and, in my opinion, a heck of a lot less effective. I'm more concerned about the continuous pain caused by boredom, fear, and anxiety among students; the things that they face more than a single occurrence of corporal punishment. In addition, my concern rests with the right of all students to receive an education uninterrupted by a single, individual, disruptive student.

I'd like to take just a minute to tell you what happened that Dr. Welsh referred to. I was invited to be on the "Good Morning, America" show as an advocate of corporal punishment because the State of Vermont State Board of Education on three occasions submitted legislation for the abolishment or repeal of the Statute #1161 of Title 16 that allows corporal punishment in the State of Vermont. Three times, the relatively conservative Legislature turned down that legislation and failed to abolish corporal punishment. Subsequently, the State Board deemed it appropriate to regulate corporal punishment, i.e., abolish corporal punishment, by setting up a series of regulations for reporting instances of corporal punishment, which in itself is not bad. If we were to report it to the State for a statistically reasonable number of times and with good reason for establishing some data base, no one had a complaint. What they attached to it was, if somebody had used corporal punishment and failed to report, the teacher could lose his/her teaching license, the administrator responsible in the school could lose his/her teaching license, and the superintendent could lose his/her license. You know where that went! N.E.A., the National Teachers Association, opposes corporal punishment. V.E.A., the Vermont Teachers Association, opposes corporal punishment. The Burlington Education Association, as an Association, opposes corporal punishment.

Unfortunately to say, after I got back from New York and "Good Morning, America", my Board abolished corporal punishment, on a seven to six vote. On a seven to six vote, the Board abolished corporal punishment. The Burlington Education Association stood up and applauded. However, I have 401 professional staff employees. Ninety percent of those professional employees insist that this means of discipline is necessary, if teachers and administrators are to effectively deal with some of today's students. The deterent factor of corporal punishment is inescapable. 1975-76 saw 46 instances of corporal punishment reported to the State from the City of Burlington. Eight girls received some form of corporal punishment, and the rest boys. Not a single parent in Burlington has ever gone to court and, to my knowledge, all of the cases that have gone to court in the State of Vermont on criminal assault have been determined in favor of the teacher. And so, while all of that was happening in Burlington and corporal punishment has been abolished, I work for the Board, therefore, I'm not distraught that it has been abolished. I'll work to get it reinstated because we have found that the problems that arise simply from the fact that you can't do it, and students now know that you can't use that, is not making our school system a better system.

Thank you.

If you didn't like the words, "slap on the ass", you won't like the next statement. If I was Fontana and I used words to describe teachers and administrators such as "perverse fascination and ingenious methods of torture", I would have sent somebody else to read the paper, too. In my experience, I've never seen a teacher who had a perverse fascination with disciplining kids. Those teachers would rather discipline in terms of academics than discipline in terms of behavior. They are concerned with teaching kids. They want not to be concerned with making them behave. Speak to any classroom teacher and ask him what he/she is there for, and he/she won't say he/she is there to discipline children, he/she will tell you every time that he/she is there to teach. Every union contract negotiator has negotiated on the basis of getting away from such things as disciplining children and doing menial kinds of tasks that we've asked professional educators to do, so they have time to teach. The problem is and it can be identified, the whole problem we're talking about can be identified as, why do children misbehave to the point where they are disruptive to others as well as to their own education? If we can discover why the problem occurs with individual children, then we could provide preventative techniques for dealing with each problem, if, society is willing to pay the bill. We continually hear that schools have to use particular methods of disciplining because they refuse to provide support services; they refuse to provide teacher education so they can deal with disruptive children, children who refuse to behave in classrooms. I don't set the budget for the City of Burlington. You don't set the individual budget, if you are a teacher in the district in which you work. The public pays the bill. And we're saying the public refuses to pay the bill. In the last two years, in the City of Burlington, we've seen the revenues for that City diminish by one million dollars. We

are operating with $200,000 less in 1976-77 than we had in 1974-75. Now, how in the hell can we provide those kind of support services with that kind of money? And, I say that instead of living in a kind of situation that's chaotic in a classroom, we have to use those things that we have available to us. Granted, we don't have all of the things available to us that we would like to have. Not nearly enough money is provided in the budget for teacher education -- teaching teachers how to teach, and how to deal with those kids that are causing a disruption in the classroom. But we do provide psychological services. We do provide learning disabilities classes. We do provide one of three Early Essential Education Centers in the whole country. We do provide a Special Education program in the Burlington Public School System second to none in Vermont; second to none in New England, and certainly, one of the best in the country. The University of Vermont Special Education Department is recognized as a leading authority in the field of Special Education. They are in our schools. We have an early diagnosis program. We identify those kids that have special learning problems, that are handicapped, and they are in the kinds of classes where we don't have to think in terms of disciplining children. We're talking about the hard-core discipline problems in the school year after year, teacher after teacher, class after class, situation after situation. Every single technique available to a classroom teacher and the principal has been used. What do you do with that kid now? Abuse them? No. We don't abuse them. There isn't an administrator what I know of that abuses kids. There isn't a teacher that knowingly abuses kids. But, by heavens, we've got to do something with those kids, and if it means throwing them out on the street not to return forever to the school, I say that maybe we ought to consider corporal punishment as an alternative that may work in individual cases where you know the kid, you know the parent, you've examined the problem, you have a good historical data base to work with.

It's a hell of a lot better alternative to try corporal punishment than sending him/her out on the street where you and I are going to support him/her for the

rest of the time that that person lives. He/she is not going to contribute anything to society once he/she is out of school. And, if the alternative is whacking him/her on the fanny once or twice and it helps, it's a hell of a lot better than sending him/her down the road.